IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 1325 OF 2002

1. Ramchandra Balwant Talange
and others ..... Petitioner.

versus

1. Sangli Miraj and Kupwad)
Municipal Corporation, Sangli)
)
2. Govindraoji Marathe)
Industrial Estate Co-op.Sty.Ltd)
Miraj. Dist. Sangli.)
)
3. State of Maharashtra ...).. Respondents.

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Shri R.G. Ketkar with V.M.Mali for the petitioner.
Shri T.S.Ingale for Respondent no.1.
Shri S.R. Page for Respondent no.2.

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 13TH JANUARY, 2005.

ORAL JUDGMENT; (Per Palshikar, J.)

1. By this petition, the petitioner has challenged the reservation made by the respondent, Town Planning Authority, in relation to land belonging to the petitioner on the ground that it violates the proisions of sections 126 and 127 of the Maharashtra Regional & Town Planning Act 1966.

2. On 26-04-1979 The Planning Authority reserved survey No. 907 belonging to the petitioner in the development plan of Miraj city for extension of cooperative society. This plan was duly sanctioned and

came into force from June 1979. No action whatever was taken by the respondents and ultimately on 12th June 1995 after lapse of more than ten years, the petitioner issued notice to Miraj Municipal Council as contemplated by section 126 of the M.R.T.P. Act requiring them to acquire the same land for the purpose of reservation within the stipulated time. Inspite of this notice, nothing was done as required by section 127. No further action was taken for acquisition and therefore the petitioner is claiming dereservation of his land and permission to develope it in accordance with the law as now prevalent.

3. This court had an occasion to consider the question of scope and extend of sections 125, 126 and 127 of the M.R.T.P.Act and the decision is reported in **Mah.L.J. 2003 (2) page 162** wherein this court has taken a view that if appropriate proceedings for acquisition are not initiated within a period of six months as contemplated by section 127 that the land is liable to be declared as de-reserved. Following that decision therefore, we allow this petition also and hold that the petitioner is entitled to the benefit of section 127 of the M.R.T.P.Act.

4. In the result therefore, the petition succeeds and is allowed. There shall be no order as to costs.

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